

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:11-CR-299-1H

UNITED STATES OF AMERICA )  
                                )  
                                )  
v.                            )  
                                )  
TOMMIE RAND PIERCE         )

**PRELIMINARY ORDER AND JUDGMENT OF FORFEITURE**

WHEREAS, pursuant to the entry of the Memorandum of Plea Agreement entered into by the defendant, Tommie Rand Pierce, on December 7, 2011, the following property is hereby forfeitable pursuant to 18 U.S.C. § 982(a)(6)(A), to wit: (1) 2010 Ford Fusion, VIN 3FAHP0HA6AR157552, North Carolina License Plate AEM7752, registered in the name of Tommie Rand Pierce; (2) 2007 Chevy Silverado, VIN 1GCEK14047E601781, North Carolina License Plate RF4388, registered in the name of Tommie Rand Pierce; (3) \$2,678.00 U.S. Currency seized from Lori Lennon on September 08, 2011; (4) \$1,900.00 U.S. Currency seized from Lori Lennon on September 13, 2011; (5) \$9,804.78 U.S. Currency seized from Wachovia/Wells Fargo on September 21, 2011; and (6) gross proceeds of the defendant's illegal acts, in an amount of at least \$514,000.00.

AND WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said personal property, pursuant to 21 U.S.C. § 853(g);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant, Tommie Rand Pierce, the United States is hereby AUTHORIZED to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In addition, JUDGMENT is entered for the amount of the gross proceeds, that is, \$514,000, as allowed by Fed.R.Crim.P. 32.2(b)(2)(A). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order and Judgment is final as to the defendant upon entry

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order and Judgment of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. Pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of

actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 9th day of January 2012.

  
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MALCOLM J. HOWARD  
Senior United States District Judge